

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|---|------------------------|
| UNITED STATES OF AMERICA | : | |
| | : | 3:13-CR-230 |
| | : | |
| v. | : | |
| | : | (JUDGE MANNION) |
| RICHARD MURPHY, | : | |
| Defendant | : | |

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**

HEREBY ORDERED THAT:

1. Murphy's Motion for Compassionate Release because of the COVID-19 pandemic, **(Doc. 113)**, is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction due to his failure to exhaust his BOP administrative remedies under §3582(c)(1)(A)(i).
2. Insofar as Murphy is challenging any decision by the BOP that he is not eligible for home confinement designation under the CARES Act, his motion is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

3. To the extent that Murphy requests the court to appoint him counsel to represent him with respect to his motion, the request is **DENIED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: August 5, 2020

13-230-01-ORDER